

ESTTA Tracking number: **ESTTA489682**

Filing date: **08/17/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|--|
| Proceeding | 91203245 |
| Party | Plaintiff MerchSource, LLC |
| Correspondence Address | JENNIFER H HAMILTON THE ECLIPSE GROUP LLP 6345 BALBOA BLVD, BLDG II ENCINO, CA 91316 UNITED STATES TMDocketing@eclipsegrp.com |
| Submission | Withdrawal of Opposition |
| Filer's Name | Jennifer H. Hamilton |
| Filer's e-mail | TMDocketing@eclipsegrp.com |
| Signature | /Jennifer H. Hamilton/ |
| Date | 08/17/2012 |
| Attachments | MS12OPP001_2012-08-17_Consented_Withdrawal_of_Opposition.pdf (3 pages)(173586 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

| | | |
|-------------------------|---|--------------------------------|
| MerchSource, LLC |) | |
| |) | |
| Opposer |) | Opposition No. 91203245 |
| |) | |
| v. |) | Mark: PETPADSTERS |
| |) | |
| Elsa Baby Ltd. |) | Serial No. 85/136,701 |
| |) | |
| Applicant |) | |
| _____ |) | |

CONSENTED WITHDRAWAL OF OPPOSITION

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Trademark Trial and Appeal Board:

Pursuant to 37 C.F.R. § 2.114(c), Opposer MerchSource, LLC hereby requests the withdrawal without prejudice of the above-captioned Opposition. Applicant Elsa Baby Ltd. consents to this withdrawal, as evidenced below.

Dated: August 16, 2012

Respectfully submitted,

/s/ Connie P. Limperis
Jennifer H. Hamilton
Connie P. Limperis
Anna M. Vradenburgh
The Eclipse Group LLP
6345 Balboa Blvd.
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(818) 488-8149 Telephone
(818) 332-4205 Facsimile
tmddocketing@eclipsegrp.com
ATTORNEYS FOR OPPOSER

Applicant Elsa Baby Ltd. expressly consents to the withdrawal without prejudice of the above-captioned Opposition.

Respectfully submitted,

Dated: August 17, 2012

/s/ Amy B. Goldsmith

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New York, NY 10018
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ATTORNEY FOR APPLICANT

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 6345 Balboa Blvd., Suite 325, Building II, Encino, California 91316.

On August 17, 2012, I served the following document(s) described as **CONSENTED WITHDRAWAL OF OPPOSITION** on the interested parties in this action by placing ☐ the original ☒ a true copy thereof enclosed in a sealed envelope addressed as follows:

Amy Goldsmith
Tarter Krinsky & Drogin LLP
1350 Broadway
New York, NY 10018

☒ BY MAIL: I caused such envelope to be deposited in the mail at Encino, California. I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

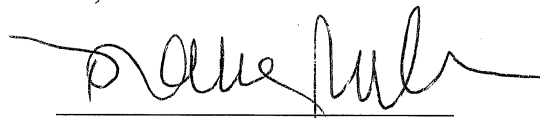
☐ BY PERSONAL SERVICE: I delivered such envelope by hand to the offices of the addressee(s) listed above.

☐ BY FACSIMILE: I caused the above document(s) to be transmitted to the office of the addressee(s) listed above.

☐ BY EXPRESS MAIL: I caused the document(s) to be delivered by overnight Express Mail via the United States Postal Service "Express Mail Post Office to Addressee" to the addressee(s) listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 17, 2012, at Encino, California.



Diane Gilden